

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

PROFANT, INC. DBA BUSINESS )  
 NETWORK TEAM )  
 2 Berea Commons, Suite 205 )  
 Berea, Ohio 44017, )

Plaintiff,

VS.

Michael Witkowski  
111 Riveredge Parkway  
Berea, Ohio 44017

and

U.S. Network, Inc.  
3554 Brecksville Road, Suite 200  
Richfield, Ohio 44286,

Defendants.

Case No.: 1:16-cv-00753

Judge: Dan A. Polster

Magistrate: William H. Baughman, Jr.

**DEFENDANT, U.S. NETWORK,  
INC.'S MOTION FOR  
EXPEDITED DISCOVERY**

Defendant U.S. Network, Inc. (“USN”), by counsel, respectfully requests that the Court enter an order requiring Plaintiff to respond to USN’s discovery in an expedited manner. In support of this Motion, USN shows the Court as follows:

1. This is an action seeking the extraordinary relief of a preliminary injunction.
2. USN first became aware of this action and it was subsequently filed on the afternoon of March 28, 2016 – yesterday.
3. A telephonic hearing is scheduled for March 30, 2016, and it is anticipated that Plaintiff will urgently push toward a preliminary injunction hearing.
4. Time is of the essence as USN may require written discovery, depositions, and third-party discovery in order to prepare for that preliminary injunction hearing.

5. Plaintiff originally filed a lawsuit in Ohio state court that was exceedingly similar to the instant matter and USN had served discovery on Plaintiff in that matter on March 4, 2016, with a court-ordered response deadline of March 21, 2016.

6. The discovery served on Plaintiff on March 4<sup>th</sup> is largely the same as the discovery served on Plaintiff by USN today in this matter and attached as Exhibit A.

7. Given the urgency of this matter and the fact that Plaintiff has been aware of the majority of these discovery requests for over three weeks already, USN respectfully requests that Plaintiff be required to: 1) respond to USN's discovery on an expedited basis, with responses due within ten (10) days; and 2) provide such responses to counsel for USN via electronic mail as well as via typical means of service.

8. USN's request is in accord with Fed. R. Civ. P. 16, 26, 33, 34, and 36 which provide for discovery responses to be due within a shorter time than ordinarily prescribed by the rules when ordered by the Court.

9. USN's discovery requests are necessary to USN's preparations and should not cause any prejudice to Plaintiff – particularly given the prior notice to Plaintiff of the vast majority of these requests. *See e.g., Russell v. Lumpkin*, 2010 U.S. Dist. LEXIS 55243 (S.D. Ohio May 11, 2010) (“Good cause [for expedited discovery] is often found when there is a request for a preliminary injunction.”).

WHEREFORE, USN respectfully requests that Plaintiff be required to respond to USN's discovery on an expedited basis, with responses due within ten (10) days; to provide such responses to counsel for USN via electronic mail as well as via typical means of service; and for all other relief just and proper in the circumstances.

Respectfully Submitted,

s/ Jason T. Clagg

Jason T. Clagg, Esq.  
BARNES & THORNBURG LLP  
110 E. Wayne Street, Suite 600  
Fort Wayne, Indiana 46802-3119  
Tel: (260) 423-9440  
Fax: (260) 424-8316  
E-mail: [jclagg@btlaw.com](mailto:jclagg@btlaw.com)

ATTORNEY FOR U.S. NETWORK, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served this 29<sup>th</sup> day of March 2016, by electronically filing the same with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Frank J. Groh-Wargo  
**GROH-WARGO CO., L.P.A.**  
2 Berea Commons, Suite 215  
Berea, Ohio 44017

Mark S. Fusco  
Sara Rava Cooper  
Walter Haverfield LLP  
1301 E. Ninth Street, Suite 3500  
Cleveland, Ohio 44114

s/ Jason T. Clagg

Jason T. Clagg